

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

STATE OF NEW JERSEY,

Plaintiff,

v.

UNITED STATES DEPARTMENT OF
TRANSPORTATION, FEDERAL HIGHWAY
ADMINISTRATION, SHAILEN BHATT, in
his official capacity as Administrator of the
Federal Highway Administration, and
RICHARD J. MARQUIS, in his official
capacity as Division Administrator of the New
York Division of the Federal Highway
Administration,

Defendants,

and

METROPOLITAN TRANSPORTATION
AUTHORITY and TRIBOROUGH BRIDGE
AND TUNNEL AUTHORITY,

Intervenor-Defendants.

Hon. Leo M. Gordon

Case No. 2:23-cv-03885-LMG-LDW

DECLARATION OF DANIEL CHOROST

I, Daniel Chorost, hereby declare under penalty of perjury, pursuant to 28 U.S.C. § 1746,
as follows:

1. I am a member of the bar of the States of New York and New Jersey and am
admitted to appear before this Court. I am a principal in the law firm Sive, Paget & Riesel, P.C.
and counsel for Intervenor-Defendants the Metropolitan Transportation Authority and Triborough
Bridge and Tunnel Authority (the “Intervenor-Defendants”) in the above-captioned action.

2. I respectfully submit this declaration in support of the Intervenor-Defendants' Application by Order to Show Cause to Extend Briefing Schedule (the "OTSC").

3. On December 30, 2024, this Court issued an opinion granting summary judgment in part to the Defendants and Intervenor-Defendants on Plaintiff's challenge to the Final Environmental Assessment and Finding of No Significant Impact for the Central Business District Tolling Program, and remanding limited issues for further explanation to Defendant Federal Highway Administration ("FHWA"). ECF 191.

4. On January 17, 2025, FHWA submitted its response on remand (the "Remand Results"). ECF 218. Pursuant to a schedule approved by the Court, Plaintiff State of New Jersey will file its comments challenging the Remand Results by February 7, 2025, and the Defendants and Intervenor-Defendants may submit comments in support of the Remand Results by February 28, 2025. *See* ECF 226.

5. On January 27, 2025, New Jersey filed a Motion for Leave to Supplement the Complaint (the "Motion"). Pursuant to applicable rules, the date for papers in opposition to the Motion is February 18, 2025—ten days before the deadline to submit comments supporting the Remand Results.

6. The Intervenor-Defendants' application is brought by Order to Show Cause rather than by Notice of Motion because a motion seeking to extend the briefing schedule would not, under default timing, be fully briefed until after the deadline for papers in opposition to New Jersey's Motion and after the parties have submitted their comments on the remand ordered by the Court in its December 30, 2024 Opinion, ECF 191 at 72, (the "Remand Results").

7. For the reasons more fully explained in the Intervenor-Defendants' Memorandum of Law in support of their Application by Order to Show Cause to Extend Briefing Schedule, the

issues raised by the new allegations in New Jersey's proposed supplemental complaint overlap with the issues addressed by the Remand Results.

8. Intervenor-Defendants conferred with counsel for the other parties concerning this application. New Jersey opposes the requested extension. Defendants take no position.

9. I declare under penalty of perjury that the foregoing is true and correct.

Dated: February 5, 2025
New York, New York

/s/ Daniel Chorost
Daniel Chorost
SIVE, PAGET & RIESEL, P.C.
560 Lexington Avenue, 15th Floor
New York, NY 10022
(212) 421-2150
dchorost@sprlaw.com